

OVERVIEW OF THRC'S LAWS AND COMPLAINT PROCESS

TENNESSEE HUMAN RIGHTS COMMISSION

The mission of the Tennessee Human Rights Commission is to safeguard individuals from discrimination through enforcement and education.



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TN Human Rights Act (THRA) & TN Disability Act

TN Human Rights Act: T.C.A. § 4-21-101

TN Disability Act: T.C.A. § 8-50-103

Rules, Bylaws www.tn.gov/humanrights

The THRA is the “substantial equivalent” of

- ❖ Title VII of the Civil Rights Act of 1964;
- ❖ Americans with Disabilities Amendments Act;
- ❖ Age Discrimination in Employment Act.

TN Human Rights Act - employment

It is a discriminatory practice because of a protected class
(race, color, religion, creed, gender, national origin, disability, age)–

Employment: T.C.A. § 4-21-401 et seq.:

For an employer to fail/refuse to hire, discharge any person or to otherwise discriminate against an individual with regard to compensation, terms, or conditions of employment.

T.C.A. § 8-50-103: TN Disability Act: includes “disability.”

Retaliation T.C.A. § 4-21-301: For a person or for two (2) or more persons to: (1) Retaliate or discriminate in any manner against a person because such person has opposed a practice declared discriminatory by the THRA or because such person has made a charge, filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing under the THRA.

PROTECTED CLASSES - employment

- **Race:** all races are protected;
- **Color:** Someone's skin pigmentation being lighter or darker than someone else's;
- **Religion:** An organized system of beliefs or devotion to a religious faith or observance;
- **Creed:** related to religion: system of religious beliefs;
- **Sex/Gender:** Male or female (what is noted on the person's birth certificate);
- **National Origin:** An individual's place of birth or his/her ancestor's place of birth;
- **Age:** 40 and older;
- **Disability:** a physical or mental impairment that substantially limits one or more of an individual's major life activities. (not in public accommodations). **T.C.A. § 8-50-103: TN Disability Act.**

Possible Remedies (not exclusive)

T.C.A. § 3-21-306 & 311

- (1) Hiring, reinstatement , back pay;
- (2) Humiliation and embarrassment;
- (3) Costs, including a reasonable attorney's fee;
- (4) Permanent or temporary injunction, or temporary restraining order;
- (5) Requiring compliance reporting;
- (6) Posting notices in conspicuous places in the employer's place of business in the form prescribed by THRC and inclusion of such notices in advertising material;
- (7) THRC may publish the names of persons who have been determined to have engaged in a discriminatory practice;
- (8) Such other remedies as shall be necessary and proper to eliminate all the discrimination identified by the evidence submitted at the hearing or in the record.

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